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11 Attorneys for STEVEN R. BOAL

12 UNITED STATES BANKRUPTCY COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION
15

16 In re:

Peter R. Fader
17 dba Urchin Capital Partners
dba Urchin Partners LLC,

19 Debtor.
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Case No.: 08-30119-DM

Chapter 7

**NOTICE OF WITHDRAWAL OF
PROOFS OF CLAIM NOS. 22 AND 24**

1 Steven R. Boal, through his undersigned counsel, hereby withdraws proof of claims
2 numbers 22 and 24, filed in the above-captioned bankruptcy case on December 16, 2019, with
3 prejudice, pursuant to the Stipulation Between Trustee and Creditor Steven R. Boal Resolving
4 Boal's Motion to Withdraw Proofs of Claim, dated December 10, 2020, *see* Dkt. 88, and attached
5 hereto as **Exhibit A**.

6
7 Dated: January 13, 2023

KEKER, VAN NEST & PETERS LLP

8 By: /s/ Brook Dooley
9 ELLIOT R. PETERS
10 BROOK DOOLEY
11 VICTOR CHIU

KELLER BENVENUTTI KIM LLP
PETER J. BENVENUTTI

Attorneys for STEVEN R. BOAL

Exhibit A

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11 Attorneys for Creditor STEVEN R. BOAL

12 UNITED STATES BANKRUPTCY COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION
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16 In re:

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dba Urchin Capital Partners
18 dba Urchin Partners LLC,

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Case No.: 08-30119-DM

Chapter 7

**STIPULATION BETWEEN TRUSTEE
AND CREDITOR STEVEN R. BOAL
RESOLVING BOAL'S MOTION TO
WITHDRAW PROOFS OF CLAIM**

Date: December 18, 2020

Time: 10:30 a.m.

Judge: Hon. Dennis Montali

1 This Stipulation is entered into by and between E. Lynn Schoenmann, Trustee for the
2 Chapter 7 Bankruptcy Estate of Peter R. Fader (the “Trustee”) and creditor Steven R. Boal
3 (“Boal”) (together, the “Parties”), by and through their respective counsel.

4 WHEREAS, the Trustee commenced an action against Boal in Santa Clara Superior Court
5 on December 10, 2019, Case No. 19-cv-359966, Dkt. 81-3;

6 WHEREAS, Boal filed proofs of claim nos. 22 and 24 against Fader’s estate on December
7 16, 2019 (the “Proofs of Claim”);

8 WHEREAS, no objections to the Proofs of Claim have been filed;

9 WHEREAS, Boal removed this action from Santa Clara Superior Court on January 9,
10 2020 pursuant to 28 U.S.C. § 1452(a), Dkt. 81, which was referred to this Court in a separately
11 docketed adversary proceeding, *Schoenmann v. Boal*, Adv. Pro. No. 20-03007 (the “Adversary
12 Proceeding”);

13 WHEREAS, Boal stated in his Notice of Removal that he did “not consent to the entry of
14 final orders or judgment by the Bankruptcy Court,” Adv. Pro. Dkt. 1 at 5 ¶ 15;

15 WHEREAS, the Trustee filed a Federal Rule of Bankruptcy Procedure 9027(e)(3)
16 statement in the Adversary Proceeding, stating that the Trustee did “not consent to the entry of
17 final orders or judgments by the Bankruptcy Court” and demanded a “jury trial on all issues,”
18 Adv. Pro. Dkt. 40 at 2 ¶¶ 4-5;

19 WHEREAS, Boal filed a jury demand in the Adversary Proceeding, requesting a “trial by
20 jury in District Court on all issues so triable,” Adv. Pro. Dkt. 70, and Boal does not consent to a
21 jury trial in the Bankruptcy Court;

22 WHEREAS, Boal moved to withdraw the Proofs of Claim under Federal Rule of
23 Bankruptcy Procedure 3006 on November 19, 2020 to preserve his right to a jury trial in the
24 District Court and the District Court’s exclusive jurisdiction to enter final judgment or order in
25 the Adversary Proceeding, Dkt. 84; and

26 WHEREAS, the Trustee does not oppose Boal’s motion to withdraw the Proofs of Claim
27 with prejudice.

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1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT:

2 1. The Proofs of Claim are withdrawn with prejudice;

3 2. The Trustee will **not** assert that Boal does not have a right to a jury trial in District
4 Court with respect to any aspects of the Adversary Proceeding that survive summary judgment;

5 3. The motion to withdraw proofs of claim hearing noticed on December 18, 2020 at
6 10:30 a.m. be taken off calendar in light of the Parties' Stipulation.

7 **IT IS SO STIPULATED.**

8
9 Dated: December 10, 2020

10 By: /s/ Elliot R. Peters

11 ELLIOT R. PETERS

12 BROOK DOOLEY

13 VICTOR CHIU

14 PETER J. BENVENUTTI

15 Attorneys for Creditor STEVEN R. BOAL

16
17 Dated: December 10, 2020

18 By: /s/ Kenneth Brown

19 KENNETH BROWN

20 Attorney for E. LYNN SCHOENMANN,
21 TRUSTEE FOR THE CHAPTER 7
22 BANKRUPTCY ESTATE OF PETER R.
23 FADER
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/s/ Victor Chiu
VICTOR CHIU (305404)